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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,239	07/31/2001	Ward B. Bowen JR.	81749AJA	2816

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EXAMINER

WALKE, AMANDA C

ART UNIT

PAPER NUMBER

1752

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/919,239

Applicant(s)

BOWEN ET AL.

Examiner

Amanda C Walke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on 31 July 2001.

2a) ☐ This action is **FINAL**.

2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

6) ☒ Claim(s) 1-23 is/are rejected.

7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: \_\_\_\_\_.

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### DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makuta et al (5,683,853) in view of Newmiller et al (4,865,964) and McDugle et al (4,933,272) and Keevert, Jr et al (4,945,035).

Makuta et al disclose a silver halide photographic material comprising a high chloride {100} grain emulsion. The grains are preferably at least 95 mol% chloride with 1 mol % or less silver iodide, and the rest being bromide (column 62, lines 31-67). The grains may be core/shell grains. The reference further teaches that the grains of the reference may have added to them a metal ion salt, preferably added during grain formation. This dopant may be added to the core, the shell, or to the entire grain. Included as suitable are both 6 and 4 coordination complexes, which may employ Mg, Mn, Fe, Co, Ni, Cu, Zn, Ru, Rh, Pd, Re, Os, Ir, Cd, or Pb as the metal among others. Preferred ligands include, Br, Cl, NO<sub>3</sub>, CN, H<sub>2</sub>O, NH<sub>3</sub>, nitrosyl group, thionitrosyl group, and a carbonyl group. One or more dopants may be used in combination (column 67, line 57 to column 68, line 17). The reference teaches that the emulsions may comprise a mixed emulsion. The reference cites Newmiller as exemplifying a mixed grain emulsion comprising grains of different forms. [Given the other teachings of the reference, the examiner is interpreting "different forms" as encompassing halide content/distribution, grain structure, twinned or non-twinned crystals, and grains having different additives (column 63, line 1- column 64, line 30).]

Newmiller et al disclose a silver halide material comprising blended emulsions. A speed-granularity advantage is achieved when the emulsions are used. The emulsion contains a first component comprising 10 to 90 % of a high aspect ratio emulsion and 90 to 10 % of a low aspect ratio emulsion (column 2, lines 15-49). Although the reference prefers that the grains of the reference are silver bromide or iodobromide grains, they are not limited thereto. The grains may be doped to modify their photographic properties such as speed, stability, and contrast. One or both of the emulsions may be doped, meaning that they are independently treated and do not require that they are doped in the same manner (column 4, lines 9-30). The examples use each emulsion in an amount of 50% of the total weight of the emulsion, which meets the limitations of the present claims 1-3.

Keevert, Jr. et al disclose an internally modified {100} high chloride emulsion (at least 85 % chloride) that has been doped by a hexacoordination complex. The complexes contain a rhenium, ruthenium, or osmium metal ion, and at least 4 or the ligands are cyano ligands as required by the present formula (I). The addition of the dopant increases the sensitivity of the emulsion (column 5, lines 9-55 and column 6, lines 32-60). The dopant is added in an amount of  $1 \times 10^{-6}$  to  $5 \times 10^{-4}$  mole per mole silver meeting the limitations of the present claims 1, 4, and 5 (column 9, lines 51-66). A preferred complex is  $[\text{Ru}(\text{CN})_6]^{-4}$  (see example 4).

McDugle et al disclose a silver chloride {100} emulsion (containing at least 85 mole percent chloride) wherein the grains have been internally doped with a complex meeting the limitations of the present formula (II). The metal ion is preferably ruthenium or osmium. The dopant is employed preferably in an amount of less than  $1 \times 10^{-4}$  mole per mole silver, preferably in an amount of  $1 \times 10^{-9}$  to  $5 \times 10^{-5}$  mole per mole silver (column 14, lines 5-24). The addition of

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the dopant into the grains results in a desirable increase in contrast and decrease in speed (see examples). The reference teaches that parameters such as speed, contrast, fog, pressure sensitivity, high and low reciprocity failure, and latent image keeping are all important in achieving acceptable photographic performance although the reference teaches that an increase in contrast and a reduction in speed (sensitivity) is desirable for that invention. The reference further teaches that in a large percentage of circumstances high sensitivity (speed) is desired. The reference therefore teaches that tailoring these properties to meet a specific image requirement is contemplated (column 4, line 64 to column 5, line 56). Therefore, this would imply that in these instances, one of ordinary skill in the art would have been motivated to combine an additive that provided high contrast but also decreased the speed (sensitivity) with an additive that would increase the speed to even out the sensitivity. A preferred complex is  $[\text{Os}(\text{NO})\text{Cl}_5]^{-2}$  (see example 2).

Given the teachings of Makuta et al that the {100} silver chloride emulsions of the reference may comprise a mixed emulsion comprising two emulsions each having a different form of grains as taught by Newmiller (cited by the reference), it would have been obvious to one of ordinary skill in the art to dope one emulsion in the manner of Keevert, Jr et al to obtain an increase in sensitivity and one by the method of McDugle et al to achieve a desirable increase in contrast ~~and decrease in speed~~, with reasonable expectation of achieving a photographic material having increased storage stability (see column 107).

With respect to the limitation of the present claim 1 which requires that the first fraction contain formula (I) in an amount of at least  $10^{-7}$  mole per mole silver and *less than*  $10^{-10}$  mole per mole silver of formula (II) and the second fraction to contain formula (II) in an amount of at

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least  $10^{-10}$  mole per mole silver and formula (I) in an amount of *less than*  $10^{-7}$  mole per mole silver. It is the examiner's interpretation that "less than" includes zero. The combination above having one of the two emulsions doped by formula (I) alone (preferred amount being  $1 \times 10^{-6}$  to  $5 \times 10^{-4}$  and the other doped by formula (II) alone (in an amount of  $1 \times 10^{-9}$  to  $5 \times 10^{-5}$ ) would meet these limitations.

3. Claims 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makuta et al in view of Newmiller, McDugle et al, Keevert, Jr, and Research Disclosure 437013.

All of the references except for the RD have been discussed above. Makuta et al discloses that the material may be exposed in a digital exposure method employing a printing system and a laser or a light emitting diode in a pixel-by-pixel modes for a time of  $10^{-4}$  sec or less, preferably  $10^{-6}$  sec or less. The reference does not specify the preferred exposure dose (column 73, line 37 to column 74, line 25).

RD 437013 teaches that it is conventional in the art to perform a digital printing method as described by Makuta et al using an exposure dose of actinic radiation of at least  $10^{-4}$  ergs/cm<sup>2</sup>, typically in the range of  $10^{-4}$  to  $10^{-3}$  ergs/cm<sup>2</sup> for exposure times of up to 100 microseconds, or possibly up to 10 microseconds, or even 0.5 microseconds (section XIV).

Given the teachings of the RD that these exposure doses are conventional in the art, and that the Makuta et al reference teaches similar exposure times, it would have been obvious to one of ordinary skill in the art to prepare the material of Makuta et al in view of Newmiller, McDugle et al, and Keevert, Jr. et al using the conventional exposure dose for the exposure method and time of Makuta et al with reasonable expectation for achieving a material have increased storage stability.


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4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Besides those references cited by the applicant, Cohen et al (5,391,468), Luckey et al (3,397,987), Evans et al (5,024,931), Lamotte et al (5,362,620), Ohkubo et al (3,890,154), Marchetti et al (4,937,180), Janusonis et al (4,835,093), Bell et al (5,132,203), and Miyazawa et al (6,338,940) are cited for their teachings of mixed emulsions, similar dopants, and exposure methods.

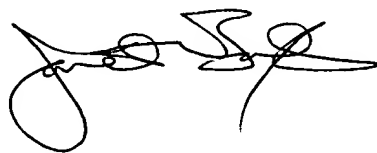
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda C Walke whose telephone number is 703-305-0407. The examiner can normally be reached on M-R 5:30-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
ACW  
September 4, 2002

Amanda C Walke  
Examiner  
Art Unit 1752

  
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